

BEFORE THE BOARD OF MEDICAL EXAMINERS
IN THE STATE OF ARIZONA

In the Matter of

PAUL B. MYERS, M.D.

Holder of License No. **10245**
For the Practice of Medicine
In the State of Arizona.

Case No. MD-99-0647

**CONSENT AGREEMENT FOR
PROBATION**

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Board of Medical Examiners ("Board") and Paul B. Myers, M.D. ("Respondent") the parties agree to the following disposition of this matter.

1. Respondent acknowledges that he has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order. Respondent acknowledges that he understands he has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

2. Respondent understands that by entering into this Consent Agreement for the issuance of the foregoing Order, he voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement and the Order in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Order.

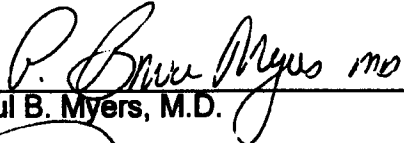
3. Respondent acknowledges and understands that this Consent Agreement and the Order will not become effective until approved by the Board and signed by its Executive Director.

4. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or federal court.

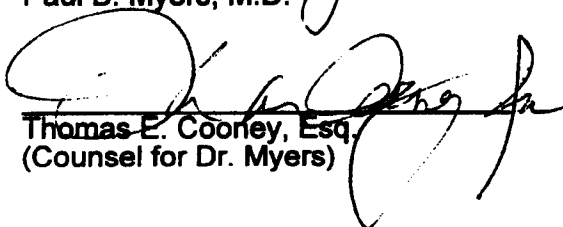
5. Respondent acknowledges and agrees that, although the Consent Agreement has not yet been accepted by the Board and issued by the Executive Director, upon signing this agreement and returning this document (or a copy thereof) to the Board's Executive Director, Respondent may not revoke his acceptance of the Consent Agreement and Order. Respondent may not make any modifications to the document. Any modifications to this original document are ineffective and void unless mutually approved by the parties.

6. Respondent further understands that this Consent Agreement and Order, once approved and signed, shall constitute a public record document that may be publicly disseminated as a formal action of the Board.

7. If any part of the Consent Agreement and Order is later declared void or otherwise unenforceable, the remainder of the Order in its entirety shall remain in force and effect.


Paul B. Myers, M.D.

Dated: August 15, 2001


Thomas E. Cooney, Esq.
(Counsel for Dr. Myers)

Dated: 8/16/2001

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 10245 for the practice of allopathic medicine in the State of Arizona.

3. In April 1999, the Southwest Washington Medical Center issued a precautionary suspension, in which Respondent's clinical privileges were suspended. The precautionary suspension was based upon a history of disruptive incidents involving both staff and patients that were allegedly caused by Respondent. From August 1985 through April 1999, Respondent was the subject of twenty-nine incident reports.

4. The Southwest Washington Medical Center reported the suspension to the State of Washington Department of Health Medical Quality Assurance Commission ("Washington Commission"). On June 6, 1999, the Washington Commission initiated an investigation.

5. The Board initiated case number MD-99-0647 when notified by Respondent on June 8, 1999, that his privileges at Southwest Washington Medical Center in Washington were suspended.

6. On May 31, 2001, Respondent entered into a Stipulated Findings of Fact, Conclusions of Law, and Agreed Order with the Washington Commission. In the agreement, Respondent stipulated that he engaged in unprofessional conduct and agreed to be placed on four years of probation with several conditions and to pay a \$5,000.00 fine.

7. In the Agreed Order, the Washington Commission expressly stated

it was not making a finding that Respondent was unable to practice medicine with skill and safety and that the Agreed Order is not a restriction, suspension, or revocation of his license to practice medicine and surgery.

8. On June 12, 2001, Board staff received a copy of the Stipulated Findings of Fact, Conclusions of Law, and Agreed Order of the Washington Commission dated May 31, 2001. The Order verified that Respondent engaged in unprofessional conduct as defined by another jurisdiction.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The conduct and circumstances described above in paragraphs 4 to 8 constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(o) ("[a]ction taken against a doctor of medicine by another licensing or regulatory jurisdiction due to that doctor's mental or physical inability to engage safely in the practice of medicine, his medical incompetence or for unprofessional conduct as defined by that jurisdiction and which corresponds directly or indirectly to an act of unprofessional conduct prescribed by this paragraph. The action taken may include refusing, denying, revoking or suspending a license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise limiting restricting or monitoring a licensee by that jurisdiction or placing a licensee on probation by that jurisdiction.")

ORDER

IT IS HEREBY ORDERED THAT:

1. Paul B. Myers, M.D. is placed on probation for four years subject to the following terms and conditions:

- a. Respondent shall remain in full compliance with the Washington Commission's order.
- b. Respondent shall instruct his treating psychiatrist and/or psychologist, as required by the Washington Commission, to submit written reports every six months to the Board regarding his diagnosis, prognosis, and recommendations for continuing care and treatment. The reports shall be submitted on or before the 15th day of June and December of each year. Respondent shall provide his treating psychiatrist and/or psychologist with a copy of this order. Respondent shall pay the expenses of all the psychological care and be responsible for paying for the preparation of the bi-annual reports.
- c. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation. The declarations shall be submitted on or before the 15th of March, June, September and December of each year.
- d. At the end of the Washington Commission's probationary period, Respondent may submit a written request to the Executive Director requesting that the Board terminate the probation.

2. The Board retains jurisdiction and may initiate new action based upon any violation of this Order.

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3. This Order is final disposition of case number MD-99-0647.



EFFECTIVE this 20th day of August, 2001.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

By Claudia Foutz
CLAUDIA FOUTZ, Executive Director
TOM ADAMS, Deputy Director

ORIGINAL of the foregoing filed this
21st day of August, 2001 with:

The Arizona Board of Medical Examiners
9545 East Doubletree Ranch Road
Scottsdale, AZ 85258

EXECUTED COPY of the foregoing mailed by
Certified Mail this 21st day of August, 2001 to:

Paul B. Myers, M.D.
P. O. Box 1126
Quincy, WA 98848-0574

EXECUTED COPY of the foregoing mailed
this 21st day of August, 2001 to:

Thomas E. Cooney, Esq.
Cooney & Crew, P.C.
888 SW Fifth Ave., Ste. 890
Portland, OR 97204

EXECUTED COPY of the foregoing
hand-delivered to each of the following
this 21st day of August, 2001, to :

Christine Cassetta, Assistant Attorney General
Sandra Waitt, Management Analyst
Lynda Mottram, Compliance Officer
Lisa Maxie-Mullins, Legal Coordinator (Investigation File)
Arizona Board of Medical Examiners
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

[Signature]

AUG 15 2001

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION

In the Matter of the License to Practice Medicine and Surgery of:)	
)	Docket No. 00-04-A-1043MD
PAUL BRUCE MYERS, MD)	
License No. MD 00018262)	STIPULATED FINDINGS OF FACT,
)	CONCLUSIONS OF LAW, AND
Respondent)	AGREED ORDER*
)	(*Typos corrected)

The Medical Quality Assurance Commission, (Commission), by and through Staff Attorney Michael L. Bahn of the Department of Health, (Department), with Paul Bruce Myers, MD, (Respondent), stipulate and agree to the following:

Section 1: PROCEDURAL STIPULATIONS

- 1.1 At all times material to the Statement of Charges, Respondent has been licensed to practice medicine and surgery in the state of Washington.
- 1.2 On or about November 7, 2000, the Acting Executive Director for the Commission issued a Statement of Charges regarding Respondent's practice of medicine and surgery.
- 1.3 The Statement of Charges alleges that Respondent breached RCW 18.130.170 of the Uniform Disciplinary Act.
- 1.4 Respondent understands that the Department is prepared to proceed to a hearing on the allegations in the Statement of Charges.
- 1.5 Respondent understands that he has the right to defend himself against the allegations in the Statement of Charges by presenting evidence at a hearing.
- 1.6 Respondent understands that if the Department proved at a hearing the allegations in the Statement of Charges the Commission panel has the power and authority to impose sanctions pursuant to RCW 18.130.160.

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1.7 Rather than engage in protracted litigation regarding the legitimacy of the charges, Respondent and the Commission agree to expedite the resolution of this matter by means of this Stipulated Findings of Fact, Conclusions of Law, and Agreed Order, (Agreed Order).

1.8 Respondent waives the opportunity for a hearing on the Statement of Charges contingent upon signature and acceptance of this Agreed Order by the Commission.

1.9 This Agreed Order is not binding unless and until it is signed and accepted by the Commission.

1.10 Should this Agreed Order be signed and accepted it will be subject to the reporting requirements of RCW 18.130.110, Section 1128E of the Social Security Act, and any other applicable Washington or interstate/national reporting requirements.

1.11 Should this Agreed Order be rejected, Respondent waives any objection to the participation at a hearing of all or some of the Commission members, or of the Presiding Officer, who may have presided at the presentation of this Agreed Order.

Section 2: STIPULATED FACTS

The Commission and Respondent stipulate to the following facts:

2.1 The State of Washington issued Respondent a license to practice medicine and surgery on May 12, 1980. At all times material to this matter Respondent has been licensed in good standing.

2.2 From August 1985 through April 1999, Respondent was the subject of twenty-nine incident reports. The various incident reports were generated by a variety of auxiliary staff who associated with Respondent over the years in labor and delivery settings.

2.3 On or about April 19, 1999, Southwest Washington Medical Center took an adverse action against Respondent that was a "precautionary suspension" of Respondent's clinical privileges. The suspension was based upon a history of allegations of disruptive incidents that involved both staff and patients and were allegedly caused by Respondent. There was no hearing, and the allegations were not resolved.

2.4 The reported incidents collectively raised concerns that the Respondent's disruptive behavior was detrimental to the orderly operations of the hospital and to the efficient coordination with staff.

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2.5 Based upon the hospital's action and the complaint allegations the Commission opened a case for investigation on or about June 6, 1999. Subsequently an interim order was obtained for Respondent to have an investigatory mental and physical evaluation and a Statement of Charges was issued.

Section 3: CONCLUSIONS OF LAW

The Commission and Respondent stipulate to the entry of the following conclusions:

3.1 The Commission has jurisdiction over this matter and Respondent's license and practice of medicine and surgery in the state of Washington, pursuant to RCW 18.130.

3.2 The Commission is authorized to find unprofessional conduct, pursuant to the Uniform Disciplinary Act, RCW 18.130.180.

3.3 The above facts as summarized above in paragraphs 2.2 through 2.5 if fully presented and proven by a preponderance of evidence at a hearing would form the basis of a finding of unprofessional conduct pursuant to RCW 18.130.170.

3.4 A violation of the Uniform Disciplinary Act is grounds for the imposition of sanctions pursuant to RCW 18.130.160.

3.5 The Commission and Respondent may enter into this stipulated disposition of the charges pursuant to RCW 18.130.160. By this Agreed Order the Commission is not making a finding that Respondent is unable to practice with skill and safety, and this Agreed Order is not a restriction, suspension, or revocation of Respondent's license to practice medicine and surgery.

3.6 This stipulated disposition and resolution of this matter with this Agreed Order is formal disciplinary action by the Commission.

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Section 4: TERMS OF AGREEMENT

Based upon the preceding stipulations and conclusions, the Commission and Respondent agree to the following:

- 4.1 Respondent agrees to a four (4) year probation period of his practice during which he agrees to successfully complete the requirements of the following terms.
- 4.2 Respondent agrees to remit a fine of \$5,000.00 which is to be paid within one (1) year of the Commission's acceptance of this Agreed Order. Respondent's check is to be submitted payable to the Department of Health, Accounting Department, P.O. Box 1099, Olympia, WA 98507-1099.
- 4.3 Respondent agrees that should he work in a hospital or clinic setting that he shall provide a copy of this Agreed Order to the chief of medical staff and the head nurse. Respondent shall ensure that the chief of the medical staff and the head nurse of each hospital or clinic at which he practices submit a written report at six-month intervals during the probation period to the Commission. The written report shall state whether any staff complaints have been made against Respondent, and, if so, the nature of the complaint(s), and their resolution. The first report shall be due six months after he is employed, if not already so, with a hospital or clinic.
- 4.4 Respondent agrees to become fully familiar with the staff and patient communication and coordination policies and protocols of the hospital or clinic at which he practices.
- 4.5 Respondent agrees to foster and maintain a fully professional and collegial rapport with associate and subordinate staff, and to foster and maintain a fully professional and caring rapport with patients.
- 4.6 Respondent agrees to engage, at his expense, a board certified psychiatrist and/or a doctorate level psychologist, (either being experienced in relating to medical professionals), in a long-term treatment and monitoring program relating to his behavioral issues. The Respondent may select one of the therapists from the list given to him by the Commission's designee.

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4.7 The program is to begin within thirty (30) days after the Commission's acceptance of this Agreed Order, and is to run a minimum of two (2) years. Respondent shall visit the psychiatrist or psychologist a minimum of once a month. Respondent shall have the practitioner submit to the Commission, or its designee, semi-annual reports that describe his progress.

4.8 Respondent agrees to appear before the Commission. The first appearance shall be at six months and subsequently at twelve months after the execution of this Agreed Order. Thereafter his appearances shall be annually for the balance of the probation period, or as reasonably directed by the Commission.

4.9 Respondent agrees that to terminate this Agreed Order, he shall submit to the Commission a "Petition for Release and Termination of the Agreed Order". The petition shall be filed with the Adjudicative Clerk Office. Termination of this Agreed Order is subject to Respondent's full and successful completion of the terms of this Agreed Order as determined by the Commission.

4.10 Respondent agrees to obey all federal and Washington State laws and administrative rules regulating the profession of medicine.

4.11 Respondent agrees to inform the Commission of any changes in his residential and business addresses.

4.12 Respondent agrees that prior to or no later than ten (10) days after the effective date of this order, if he has not done so already, he shall fully complete the attached Healthcare Integrity and Protection Data Bank Reporting Form (Section 1128 of the Social Security Act), and return it to the Commission's Disciplinary Program Manager.

4.13 Respondent agrees that should he breach the terms of this Agreed Order the Commission may determine that he is out of compliance and subsequently issue a Statement of Charges, pursuant to RCW 18. 130. 180(9). In the alternative, the Commission may issue a Notice of Determination that reflects Respondent's failure to comply with the terms of this Agreed Order. The Commission would then make the Brief Adjudicative Procedure available to Respondent pursuant to RCW 34.05.482 and WAC 246-11-420.

Section 5: RESPONDENT'S ACCEPTANCE

I, Paul Bruce Myers, MD, hereby certify that I have read this Stipulated Findings of Fact, Conclusions of Law, and Agreed Order in its entirety. My counsel of record has fully explained the legal significance and consequence of this Agreed Order. I fully acknowledge and accept all the stipulations and waivers, agree to the terms, and approve for entry this Agreed Order. Further, I understand that presentation of this Agreed Order may be made without my appearance before the Commission, unless I desire to appear or I am requested to appear by the Commission. I, therefore, waive notice of the presentation of this matter and my appearance before the Commission.

Signed:

P. Bruce Myers MD

Paul Bruce Myers, MD

Dated this 30th day of April, 2001.

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Section 6: AGREED ORDER

The Commission accepts the resolution of this matter by this Stipulated Findings of Fact, Conclusions of Law, and Agreed Order.

IT IS ORDERED that all parties shall be bound by the terms and conditions set forth in Section 4. The probation period shall commence as of the date this order is signed.

DATED this 27th day of July, 2001.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION

By: Robert T. Howell
Panel Chairperson

Prepared and Presented by:

Michael L. Bahn
Michael L. Bahn, WSBA #16009
Staff Attorney
MQAC/DOH

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Program File No. 99-06-0004MDMD

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